

REMARKS

Claims 1-7, 11, 14-17 and 19-52 are presently pending. Of these, Claims 46-52 have been withdrawn without prejudice to prosecution in one or more related applications. Claims 1 and 47 have been amended. As discussed below, no new matter has been added herewith. The following addresses the substance of the Office Action.

Claim amendments

The term “immune-modulating agent” in Claims 1 and 47 has been replaced with the term “immune-stimulating agent.” Support for the amendment can be found throughout the originally filed specification, including at paragraph [0007] which reads: “[T]he composition is especially useful for stimulating or otherwise enhancing an immune response to a target antigen” and paragraph [0079] which reads “The present invention contemplates the use in the compositions of the invention of any antigen that corresponds to at least a portion of a target antigen of interest for stimulating an immune response to the target antigen.” Accordingly, Applicant submits that the amendment is supported with the original disclosures and no new matter is added by the amendment. Consideration of the currently amended claims is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Nedwin et al.

The rejection of Claims 1-7, 11, 14-17 and 19-45 under 35 U.S.C. § 102(b) as allegedly being anticipated by Nedwin et al. (U.S. Patent No. 5,587,460) was maintained.

The Examiner has maintained his allegation that Example 7 of Nedwin discloses a composition as claimed in Claim 1, being a composition comprising both: (1) a lectin-interactive agent that falls within the specific agents (i.e., carbohydrates) claimed and (2) an immune-modulating agent. Applicants respectfully traverse the rejection.

The Examiner’s view is that the scope of the term “an immune-modulating agent” encompasses lectin because Nedwin describes making antibodies to lectin, and thus if antibodies can be raised to lectin, it is a target antigen/part of a target antigen that elicits an immune response as is therefore an immune-modulating agent as claimed.

Applicant respectfully disagrees with the Examiner; however, solely to expedite the prosecution of the subject application, Applicant has amended the term “immune-modulating agent” to “immune-stimulating agent.”

Applicant submits that the pending claims are novel over the cited art in part because lectins are immune-suppressing agents, not immune-stimulating agents.

In view of the amendments to the claims and the above remarks, the claims are not anticipated by Nedwin et al. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Request for Rejoinder

Upon allowance of Group I claims, Applicant respectfully requests rejoinder of withdrawn Claims 46-52, which are ultimately dependent on the elected Group I claims, and include all of the limitations of Claim 1.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicant’ amendments to the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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